IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 31143 of 2006(G)

PETITIONER:

AMANDAVALLY T.G., W/O.LATE K.DIVAKARAN,
SREEJU BHAVAN, THEKKEMURI, PERINGANAD P.O.,
PATHANAMTHITTA.

BY ADV. SRI.KOSHY GEORGE

RESPONDENTS:

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1. THE KERALA STATE ROAD TRANSPORT CORPORATION, REP. BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. THE ASSISTANT TRANSPORT OFFICER, K.S.R.T.C., ADOOR.

BY ADV. SHRI.K.PRABHAKARAN, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.31143 of 2006

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Dated: 24th November, 2006

JUDGMENT

In this writ petition the petitioner who is the widow of a deceased employee of the K.S.R.T.C. seeks out of turn release of the retiral benefits of her late husband on the ground that her daughter is getting married on 3.2.2007 and amounts are badly needed for conducting the marriage.

2. Adv.Mr.K.Prabhakaran, Standing Counsel takes notice for respondents 1 and 2.

3. Mr.Koshy George, learned counsel for the petitioner would invite my attention to Exts.P2 and P3 which are documents showing that the claim that the petitioner's daughter is getting married on 3.2.2007 is correct. Learned Standing Counsel for the K.S.R.T.C. submits that the petitioner's late husband retired from service only in 2003 and if out of turn release is ordered, the same will upset the schedule of payments which has been prepared by the Corporation on the basis of the directions issued by this court in W.A.No.289/01. Learned counsel for the petitioner would invite my attention to the subsequent judgment of this court in W.A.No.1775/04.

4. In view of the subsequent judgment of this court in W.A.No.1775/04, I am of the view that the marriage of the daughter

of the deceased employee is certainly a genuine necessity urgently requiring money justifying out of turn release at least to a certain extent. Under these circumstances, this Writ Petition will stand disposed of with the following directions:

The respondents will pay the larger among the two items, namely, D.C.R.G. or Commuted Value of Pension due to late K.Divakaran, the husband of the petitioner to the petitioner within six weeks of the petitioner producing a copy of this judgment.

srd **PIUS C.KURIAKOSE, JUDGE**